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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/718,761	11/22/2000	Paulus Gerardus Roetenberg	MBHB00-1238	2717

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EXAMINER

RAMIREZ, RAMON O

ART UNIT	PAPER NUMBER
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3632

DATE MAILED: 11/18/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

09/718,761

Applicant(s)

ROETENBERG, PAULUS  
GERARDUS

Examiner

RAMON O. RAMIREZ

Art Unit

3632

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 15 October 2002.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-5 and 11-19 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-5 and 11-19 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. §§ 119 and 120

- 13) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☒ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

## Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_\_.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

*Detailed Action*

This is the third Office Action corresponding to amendment filed on Oct. 15, 2002

*Priority*

Acknowledgment is made of applicant's claim for foreign priority based on an application filed in Netherlands on Nov 22, 1999. It is noted, however, that applicant has not filed a certified copy of the application as required by 35 U.S.C. 119(b).

*Specification*

A substitute specification is required. The instant one is of bad quality, hard to read (blurred) and with insufficient top margin. As per Applicant's request, this requirement will be held in abeyance pending allowance of the claims.

*Claim Rejections - 35 USC § 112*

Claims 17-19 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Claims 17-19 depend from canceled claims 6-10.

***Claim Rejections - 35 USC § 103***

Claims 1-5, and 11-19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Neil (5,960,967) in view of Kohout (1,132,190).

The reference to Neil shows a device comprising a rail like member having a slot (12) and a hook (16) with an anchor member (15). The reference to Kohout shows a device having a telescopic rail like member for adjusting the length of the member. It would have been obvious to one skilled in the art at the time the invention was made to have provided the device shown by Neil with telescopic members as shown by Kohout to adjust the length of the device and make it more versatile and easy to storage. To use a ball as the anchor means, as the material from which said anchor means is made, and the shape of the edges of the slot are considered as obvious matter of engineering choice having no patentable significance.

***Response to Arguments***

Applicant's arguments filed on Oct. 15, 2002 have been fully considered but they are not persuasive. Applicant argues that Neil does not show telescopic members, and that the hooks are not rotatably connected; and that Kohout does not show rotatably attached hooks. The patent to Neil may not show telescopic members but Kohout does, and as indicated above, it would have been obvious to provide the device shown by Neil with telescopic members as shown by Kohout to adjust the length of the device and make it more versatile and easy to storage. While this may not be proper when the device is

secured to a ceiling, it would be when it is secured to a wall. The patent to Neil does not show the hooks rotatably attached; however, in Col 2, lines 4 and 5, states "the hook elements may be non-circular and arranged to be non-rotatably held". Emphasis is made to the clause **may be**, which indirectly teaches that a circular connection would permit rotation, and also leave such modification open. Accordingly, one skilled in the art would understand that. The patent of Kohout is used exclusively for its teachings of telescopic members, not for the hooks.

***Conclusion***

**THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.


Any inquiry concerning this communication or earlier communications from the examiner should be directed to examiner **Ramírez** at telephone number (703) 308-0748. The examiner can be normally reached on Monday-Thursday and alternate Fridays.

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The fax numbers for this Group are (703) 872-9326 (official papers),  
(703) 872-9327 (official after final papers) and (703) 308-3519 (for informal papers).  
Our Customer service fax number is (703) 872-9325.

Any inquiry of general nature relating to the status of this application should be  
directed to the Group receptionist whose telephone number is (703) 308-1113.

R.O. RAMIREZ  
November 15, 2002

  
RAMON O. RAMIREZ  
PRIMARY EXAMINER  
TECHNOLOGY CENTER 3600  
ART UNIT 3632